



PUBLIC MEETING NOTICE AND AGENDA

April 26, 2019

A public meeting of the Arizona Game and Fish Commission will be held on **May 10, 2019** at the **Prescott Resort & Conference Center, Prescott/Chino Conference Room, 1500 AZ-69, Prescott, Arizona 86301**, as authorized by A.R.S. § 17-201(D). Members of the public may attend the meeting in person or view the meeting at <http://livestream.com/azgameandfish>. Members of the public may also view the meeting from any Department Regional Office via video teleconference. Members of the public attending in person or viewing via video teleconference may submit Speaker Cards (Blue Cards) if they wish to speak to the Commission. The ability to speak to the Commission for those viewing the livestream is not available. Unless expressly provided otherwise with any item on the agenda, the Commission may discuss and vote to take action on the following matters:

Friday, May 10, 2019 - Meeting begins at 8:00 A.M.

Pledge of Allegiance

Welcome/Introductions

Awards and Recognition

1. **Call to the Public.** Those persons wishing to speak should complete a speaker's card and present it to the host. Unless prior approval has been granted by the Chairman, comments will be limited to no more than three minutes. No discussion or action will be taken by the Commission. Any items requiring further discussion or action will be included on a future Commission meeting agenda.
2. **Consent Agenda.** The following items have been grouped together and are hereby noticed as consent agenda items to expedite action on routine matters, which may not require public discussion. The Commission will be asked to approve briefings and updates without further public input or discussion and to approve other matters as presented, subject to approval or recommendations of the Commission's legal counsel. Commission members may remove certain items if further public input or discussion is deemed necessary.
 - a. **Memorandum of Understanding with Friends of Buenos Aires National Wildlife Refuge (Friends).** **Presenter: Josh Avey, Terrestrial Wildlife Branch Chief.** The Commission will be briefed and may approve a Memorandum of Understanding with the Friends of Buenos Aires National Wildlife Refuge for conservation and management activities in Arizona for Arizona's pronghorn and other wildlife species.

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5000 W. CAREFREE HIGHWAY, PHOENIX AZ 85086

GOVERNOR: DOUGLAS A. DUCEY **COMMISSIONERS:** CHAIRMAN, JAMES S. ZIELER, ST. JOHNS | ERIC S. SPARKS, TUCSON | KURT R. DAVIS, PHOENIX
LELAND S. "BILL" BRAKE, ELGIN | JAMES E. GOUGHNOUR, PAYSON **DIRECTOR:** TY E. GRAY **DEPUTY DIRECTOR:** TOM P. FINLEY

- b. **License Agreement with AT&T. Presenter: Clay Crowder, Habitat, Evaluation and Lands Branch Chief.** The Commission may approve a License Agreement with AT&T for the purpose of accessing, constructing and maintaining a cell tower structure type: Monocactus, electric power lines, appurtenances and electrical services across a State-owned facility in Maricopa County, Arizona, for the purpose of providing emergency broadcasting services and additional electrical services at the Utery Mountain Shooting Range.
3. **State and Federal Legislation. Presenter: Ed Sanchez, Legislative Liaison.** The Commission will be briefed on the status of State and Federal legislation. The Commission may take a position or provide direction to the Department for coordination, action, or proposed changes to legislation or other elective issues related to Department responsibilities.
4. **Commission Priorities Report Update. Presenter: Kent Komadina, Special Assistant to the Director.** The Department will provide an update to the Commission Priorities timeline and will provide an expanded presentation by Gene Elms regarding Maximizing Officer Field Time.
5. **Federal Lands Planning Update. Presenter: Clay Crowder, Habitat, Evaluation, and Lands Branch Chief.** The Commission will be updated on Department activities and involvement with resource management planning and other major actions on federal lands in Arizona.
6. **Briefing on Research Branch Activities and Projects. Presenter: Esther Rubin, Research Branch Chief.** The Department will provide an informational update on the Research Branch's projects and activities
7. **Threatened and Endangered Briefing on Northern Mexican Gartersnake. Presenter: Ryan O'Donald, Wildlife Specialist III, Contracts Branch.** The Commission will be briefed on the Department's projects and findings for the Northern Mexican gartersnake within the Bill Williams watershed.
8. **Virgin River Rotenone Treatment Update. Presenter: Julie Carter, Statewide Native Aquatics Program Supervisor, Aquatic Wildlife Branch.** The Commission will be updated on a potential rotenone treatment in the Virgin River Gorge in 2019.
9. **Information Item Announcing 2019 Heritage Grant Awards. Presenter: Ryan Babel, Natural Resources Planner.** The Department will announce the applications recommended for the 2019 Heritage Grant awards.
- TIME CERTAIN AT 10:00 AM**
10. **Hearings on License Revocations for Violations of Game and Fish Codes and Civil Assessments for the Illegal Taking and/or Possession of Wildlife. Presenter: Gene F. Elms,**

Law Enforcement Branch Chief. The Commission will consider and take action on the license revocations and/or civil assessments for the individuals listed below:

Name	Docket #	Conviction
Nicholas Fisher	2019-0016	Take wildlife (mule) deer in closed area.
Austin Gormally	2019-0019	Possess/transport carcass of big game (javelina) without a valid tag attached.
Kaitlyn (Raney) Gormally	2019-0020	Possess/transport carcass of big game (javelina) without a valid tag attached. Discharge a firearm within ¼ mile of occupied building while taking wildlife (javelina).

11. Request to Approve the Introduction of Barramundi to the State of Arizona. Presenter: Erin Raney, Aquatic Invasive Species Program Coordinator. The Commission may approve the introduction of Barramundi to the State of Arizona to provide for the development of new private entrepreneurial enterprise.

12. Request to Approve Final Rulemaking Adopting Article 10 Rules Addressing Off-highway Vehicles. Presenter: Gene Elms, Field Operations Law Enforcement Branch Chief. The Department will ask the Commission to vote to approve a Notice Final Rulemaking and Economic Impact Statement adopting a new Article 10 and rules, addressing off-highway vehicles. The Commission may vote to take action on and/or provide the Department direction on this item.

Lunch Break – Executive Session (Begins at 12:00 p.m.)

13. Executive Session (The Commission will not vote to take on any action during Executive Session).

a. Litigation and Legal Advice. The Commission may vote to meet in executive session in accordance with A.R.S. § 38-431.03(A)(3) and (4) for the purpose of discussing and consulting with legal counsel for legal advice in order to consider its position and to instruct legal counsel regarding the Commission’s position concerning *In re General Stream Adjudication for the Little Colorado River and Gila River; Zuni water rights settlement agreement; Center for Biological Diversity v. U.S. Forest Service*, CV 12-0817 (AZ); *Center for Biological Diversity v. Zinke*, CV 15-00019 (AZ); *Center for Biological Diversity v. Zinke*, CV 18-00047; *WildEarth Guardians v. Ashe*, CV 15-00285 (AZ); *Safari Club International v. Zinke*, 16-00094 (AZ); *WildEarth Guardians v. Provencio*, CV 16-0810; *Hererra v Wyoming*; *Hamberlin v. State of Arizona, et al.*, CV 2018-010149; *State of Arizona v. Hamberlin, No. 1 CA-CV 18-0435*; *Slater v. State of Arizona, et al.*, CV 2018-097090, *Owen Notice of Claim*.

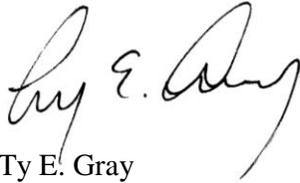
- b. **Litigation and Legal Advice.** The Commission may vote to meet in executive session in accordance with A.R.S. § 38-431.03(A)(3) and (4) for the purpose of discussing and consulting with legal counsel for legal advice in order to consider its position and to instruct legal counsel regarding the Commission's position concerning the legal strategy recommendations from the Department's legal strategies team.
 - c. **Litigation and Legal Advice.** The Commission may vote to meet in executive session in accordance with A.R.S. § 38-431.03(A)(3) and (4) for the purpose of discussing and consulting with legal counsel for legal advice regarding the Department's legal authority when stray livestock present the potential for catastrophic destruction to wildlife.
 - d. **Legal Advice.** The Commission may vote to meet in executive session in accordance with A.R.S. § 38-431.03(A)(3) for the purpose of discussing and consulting with legal counsel for legal advice regarding the Commission's authority to close state trust lands to hunting and to close roads providing access to state trust lands.
 - e. **Purchase of Real Property and Legal Advice.** The Commission may vote to meet in Executive Session pursuant to A.R.S § 38-431.03(A)(3) and (7) for the purpose of discussion or consultation with Department staff in order to consider its position and instruct its representative regarding the purchase of real property and for the purpose of discussing and consulting with legal counsel for legal advice.
 - f. **Personnel Matters.** The Commission may vote to go into executive session in accordance with A.R.S. § 38-431.03(A)(1) to discuss personnel matters associated with the Director's duties, responsibilities and performance. The Commission may take action in the public session or defer any action to a later date.
14. **Request to Approve Final Rulemaking Amending R12-4-102. License, Permit, Stamp, and Tag Fees, R12-4-106. Special Licenses Licensing Time-frames, and R12-4-204. Taxidermy Registration; Register Implementing House Bill 2404 Taxidermy; Registry. Presenter: Tim Baumgarten, Arizona Boating Law Administrator.** The Department will ask the Commission to vote to approve a Notice of Final Rulemaking and Economic Impact Statement amending R12-4-102. License, Permit, Stamp, and Tag Fees, R12-4-106. Special Licenses Licensing Time-frames, and R12-4-204. Taxidermy Registration; Register Implementing House Bill 2404 Taxidermy; Registry. The Commission may vote to take action on and/or provide the Department direction on this item.
15. **Shooting Range Development Grant Requests for FY 2020. Presenter: Matthew Schwartzkopf, Statewide Shooting Range Administrator.** The Department's Shooting Range Development Grant Program received five grant applications for fiscal year 2020. The Department will ask the Commission to approve all five applications, totaling \$100,000 of the \$100,000 available. The Commission may vote to take action on, or provide the Department direction on this item.

Agenda Items #16 through #18 are first read items. The Commission may choose to take action on first read items as needed or may direct the Department to place first read items on the consent agenda for approval at the next Commission meeting.

- 16. Gillette Ranch Conservation Easement Acquisition. Presenter: Clay Crowder, Habitat Evaluation and Lands Branch Chief.** The Commission may approve acquisition of a Conservation Easement on the Gillette Ranch, a withholding in the Tonto National Forest, Gila County, Arizona.
- 17. Memorandum of Understanding on Virgin River Coalition. Presenter: Julie Carter, Statewide Native Aquatics Program Manager, Aquatic Wildlife Branch.** The Commission may approve a Memorandum of Understanding with Bureau of Land Management, City of Mesquite, Clark County Desert Conservation Program, Friends of Gold Butte, Kokopelli ATV Club, National Park Service, Nevada Department of Wildlife, Nevada Division of Environmental Protection, Partners in Conservation, Rivers Edge West, The Nature Conservancy, U.S. Fish and Wildlife Service, and U.S. Geological Survey to provide guidance and procedures for the completion of a Lower Virgin River Integrated Watershed Plan and the initial implementation of strategies to restore and protect the riparian corridor of the Lower Virgin River.
- 18. FY 2021 Proposed Budget & FY 2020 Modification. Presenter: Tom Finley, Deputy Director.** The Department will provide the Commission with a presentation on the FY '21 draft budget and proposed modifications to the FY '20 budget.
- 19. Litigation Report.** The Department's legal counsel may report on the status of the litigation matters: *In re General Stream Adjudication for the Little Colorado River and Gila River; Zuni water rights settlement agreement; Center for Biological Diversity v. U.S. Forest Service*, CV 12-0817 (AZ); *Center for Biological Diversity v. Zinke*, CV 15-00019 (AZ); *Center for Biological Diversity v. Zinke*, CV 18-00047; *WildEarth Guardians v. Ashe*, CV 15-00285 (AZ); *Safari Club International v. Zinke*, 16-00094 (AZ); *WildEarth Guardians v. Heather Provencio*, CV 16-0810; *Hererra v Wyoming; State of Arizona v. U.S. Army Corps of Engineers*, CV-18-00069; *Hamberlin v. State of Arizona, et al.*, CV 2018-010149; *State of Arizona v. Hamberlin, No. 1 CA-CV 18-0435; Slater v. State of Arizona, et al.*, CV 2018-097090; *Owens Notice of Claim*.
- 20. Commissioner Committee Reports.** Commissioners may provide an update on the subcommittees that they chair regarding current events and issues. This item is for information only. Items requiring discussion, deliberation or legal action must be placed on a future Commission meeting agenda.
- 21. Director and Commissioner Comments.** The Director and the Commissioners may provide brief comment on current events and issues. This item is for information only. Items requiring discussion, deliberation or legal action must be placed on a future Commission meeting agenda.

22. Future Agenda Items and Action Items.

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Ty E. Gray
Director

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The agenda may be revised and additional items may be added prior to the meeting as authorized by A.R.S. §38-431.02. In that event, an addendum to the agenda will be noticed and posted prior to the meeting at Department offices. Commission agenda items not noticed for a specific time may be taken out of order. Background materials provided to Commission members concerning public agenda items are available for public inspection at the main office of the Arizona Game and Fish Department at 5000 W. Carefree Highway, Phoenix, at Department regional offices in Pinetop, Flagstaff, Kingman, Yuma, Tucson, Mesa and at the meetings.

During the public meeting, the Commission may afford any person, their duly authorized representative, or both, the opportunity to present statements relating to agenda items, with or without the opportunity to present them orally. The Commission may go into Executive Session for the purpose of obtaining legal advice from the Commission Attorneys on any of the above agenda items pursuant to A.R.S. § 38-431.03 (A) (3) & (4). One or more members of the Commission may appear and participate in the meeting telephonically or by other electronic means.

Persons with a disability may request a reasonable accommodation, such as a sign language interpreter, or this document in an alternative format, by contacting the AGFD Deputy Director, 5000 W. Carefree Highway, Phoenix, Arizona 85086, 602-942-3000. Requests should be made as early as possible to allow time to arrange the accommodation.

The Arizona Game and Fish Department is responsible for managing Arizona's fish and wildlife resource as an enduring public trust. In addition, the Department is charged with promoting safe and responsible use of watercraft and off-highway vehicles. Funding is provided from the sale of licenses and permits; watercraft registration fees; federal excise taxes on firearms, fishing equipment, boats, and other sporting goods; State lottery revenues; donations on State income tax forms; and various contracts and grants. Department policy is set by the Arizona Game and Fish Commission, whose five members are appointed by the Governor.

“Managing Today for Wildlife Tomorrow”